THAT INDIANA TOWN WILL BE AL-MOST DEPOPULATED.

Trial of D. A. Jennings's \$200,000 Damage Suit-Many Cases in the Local Courts.

The trial of the suit of D. A. Jennings against Eli W. Menaugh, of Salem, and many others of that city for \$200,000 damages will begin before Judge Baker in the Federal Court to-day. It is expected that the case will occupy much time, as depositions of over fifty witnesses will be read estate. and over one hundred witnesses will take

months ago, alleged that he had been the victim of organized persecution and ostracism in Salem and had been driven from the community. He was the publisher of the Salem Democrat and later of the Searchlight, and for nine years was in more or less strife. In 1900 he moved to Ohio and began the suit. Among the defendants are the sheriff of the county, the judge of the Circuit Court, the prosecuting attorney, the postmaster and others. The trial of the case will take out of Salem for many days all of the most prominent business and professional men. All left Salem this morning on an early train to appear in court. In his complaint Jennings alleged that he was in fear of assassination if he returned to Salem, but dispatches from there say he has been in Salem for several days talking to his witnesses.

WOMAN SUES COMPANY.

ated and Suffered Shock.

The refusal of a conductor of a Brightwood car to accept a transfer from the North West-street line has caused a suit for damages to be filed by Tressa Martin, perior Court, Room 2 colored, against the street-railway company. Mrs. Martin avers in her complaint that she hoarded a North West-street car on Nov. 17 and received a transfer to the Brightwood line. She boarded the second car at Illinois and Washington streets and tendered the transfer ticket in payat for her lare. The conductor refused to accept it and demanded another nickel. She refused to pay the additional fare and alleges that the conductor then called her 'llar," a "nigger" and a "dead beat," after she had explained to him the cause of the delay. He threatened to eject her if did not pay the fare and when she told him he would have to do so he "dragged her from the car." She charges that his assault on her in putting her from the car was unwarranted. When she found that he would push her off the car she paid him 5 cents for a fare. The shock to her nervous system and the humiliation and shame of the conductor's treatment have damaged her in the sum of \$1,000, she claims, and she asks this amount from the street car company.

ST. JOSEPH RIVER NAVIGATION.

Federal Court Asked to Enjoin the Building of a Dam.

A bill was filed in the Federal Court yesterday by the St. Joseph River Navigation Company, of Elkhart, for an injunction against the building of a dam near Elkhart, in the St. Joseph river, by the St. Joseph & Elkhart Power Company. The suit opens all the questions of riparian rights and interstate navigation, and transfers to the Federal Court a fight that has been long waged against the damming of the St. Jo-

seph river. The bill alleges that the plaintiff is organized under the Indiana laws to navigate the river, and that it could do so but for the dams and other obstructions in it. The bill also alleges that the river is classed, listed and claimed for navigation by the federal government from its mouth at St. Joseph, Mich., to Mishawaka, ten miles south of Elkhart. Clear of obstructions, the river is navigable for boats carrying one hundred tons, and it is now navigated by the May Graham, a steamer, as far as Berrien's Springs, at the northern Indiana State line. It is alleged that the construction of the dam will prevent the plaintiff from enjoying cheap water transportation. It is also alleged that the defendant has not gained the consent of Congress to build the dam. Judge Baker fixed the hearing

for a restraining order on Dec. 9. Master's Finding Criticised.

In the suit of the Chicago Board of Trade against the L. A. Kinsey Company to enjoin the use of the market quotations of the plaintiff, the defendant yesterday filed a bill of exceptions, contained in sixty-five pages of typewritten manuscript, to the report of Special Master in Chancery Edward Daniels. The master held for the plaintiff in his finding of facts. The brief of the counsel for the Kinsey company criticised the master for indulging in "suspicions," and argued that incontrovertible facts, not suspicions, should guide a court.

Levy's Complaint Defective.

Judge Baker yesterday held that the complaint of Jules Levy, who sued C. G. Conn. the Elkhart band instrument manufacturer, for \$100,000 damages for libel, was defective, because it did not allege that Levy had given the three days' notice of libel required by the Indiana statute. Judge Baker held that a journal was not a daily newspaper, but one which was published at regular intervals. The plaintiff was given leave to amend his complaint.

Mrs. Minturn Secures a Divorce.

A decree of divorce has been granted to Mrs. Leona Minturn from her husband Joseph A. Minturn by Judge Carter in the Superior Court. Mrs. Minturn was granted the custody of the four children and \$10 a month for the maintenance of each from her husband's income. Minturn was formerly a member of the Indiana State Senate.

A Suit for Damages.

The suit of the Indiana Manufacturing Company against the I., D. & W. Railroad Company for damages was on trial yesterday before Judge Allen in the Circuit Court. The manufacturing company is seeking to recover damages because of the alleged failure of the railroad to deliver

Judge Baker Appoints Receiver. In the suit of L. T. Dickason against W. H. White and Gustave A. Conzman, his partners, for a receivership for their business, Judge Baker yesterday appointed Fred Piepenbruck receiver, and fixed his bond at \$20,000. The court also referred the case to Edward Daniels, master in chancery, for

Accuses His Wife.

In John Davis's complaint for a divorce from Bessie Davis, filed yesterday, he charges his wife with infidelity. He alleges that she deserted him in 1899 and has since that time lived in Anderson.

Charles A. Dryer Judge Pro Tem. During Judge Vinson Carter's absence from Indianapolis attending the funeral of a relative in Bloomington, Charles A. Dryer is acting as judge pro tem. in Room 3 of

the Superior Court. Petition in Bankruptcy.

Augustus Ryse, a farmer of Liberty township, Shelby county, filed a petition in bankruptcy yesterday in the Federal Court. He gives his liabilities at \$3,506 and his assets

Lena Mummenhoff Sues.

Lena Mummenhoff yesterday filed suit against Franz Mummenhoff for divorce. Mrs. Mummenhoff accuses her husband of cruelty and neglectful treatment.

THE COURT RECORD.

SUPERIOR COURT. Room 1-John L. McMaster, Judge. Joseph Parent vs. Jennie Parent; divorce. intiff dismisses at his cost. The Crown Hill Cemetery vs. Patrick J. Ryan; foreclosure. Judgment against de-

SALEM'S COHORTS TO-DAY fendant, Patrick J. Ryan, for \$4,903.21 and costs. Foreclosure and sale ordered. costs. Foreclosure and sale ordered.

W. W. Dye vs. Levi H. Fessler; suit on account. Judgment for plaintiff against the dissolution of the partnership to the defendant for \$50 and costs. George H. Carter et al. vs. Elizabeth Nunn et al.; mechanic's lien. Judgment against defendant, Elizabeth Nunn, for \$12.85 and costs. Foreclosure and sale or-

> Room 2-James M. Leathers, Judge. Christina Rhodes vs. John M. Rhodes; divorce. On trial by court. Room 3-Charles A. Myer, Judge Pro Tem. Blair-Baker Horse Company vs. Fred-erick Weilburg; on account. Judgment against defendant for \$551.15. Leona A. Minturn vs. Joseph A. Minturn; divorce. Decree granted; custody of children to plaintiff and allowance for support of \$40 for each month. CIRCUIT COURT.

> Henry Clay Allen, Judge. Marion Trust Company vs. John Lovett, administrator of Craig's estate. Submitted to court. Evidence heard. Finding for Allowed \$2,308.89. Costs against

of Wilkins estate. Allowed agreement of parties for \$50 at cost of estate. Jennings in his complaint, filed eighteen | The Model Life Insurance Company vs. F. J. Prier, administrator of Prier's es-Submitted to court and claim allowed for \$85.50 at cost of estate. Dr. H. S. Leonard vs. Grinsteiner, administrator of Rathsam's estate. Allowed by administrator for \$15, at cost of estate, pre-

Grinsteiner Bros. vs. Grinsteiner, administrator of Rathsam's estate. Submitted to court and claim allowed for \$111 at cost Frammer vs. Grinsteiner, administrator of Rathsam's estate. Allowed by administrator for \$11.75 at cost of estate. Grinsteiner & Bro. vs. Mahoney, administrator of Robinson's estate. Allowed by

administrator for \$101 at cost of estate. R. Meeks & Sons vs. G. W. Shelby, administrator of Shepp's estate. Submitted to court and claim allowed for \$71.50, preferred, at cost of estate. Collier & Reynolds vs. Reynolds, administrator of Klein's estate. Submitted to court and claim allowed for \$224.75, at cost of estate, preferred. N. F. Daytton et al. vs. Albert E. Jones

Costs paid. NEW SUITS. vorce. Superior Court. Room 2. John Brill, jr., vs. Isaac P. Russell et al. complaint to foreclose mechanics' lien. Su-John Brill, jr., vs. Isaac Russell et al.

complaint to foreclose mechanic's lien. Superior Court, Room 1. Hub Manufacturing Company vs. Sanborn-Marsh Electric; complaint to quiet title. Superior Court. Room 2. John Davis vs. Bessie Davis; complaint for divorce. Superior Court, Room 3. Lena Mummenhoff vs. Franz Memmenhoff: divorce. Superior Court, Room ? Tressa Martin vs. Indianapolis Streetrailway Company. Superior Court, Room 3. William F. Gibbs vs. Mary E. Gibbs; divorce. Circuit Court. City Bond Company vs. Henry Colvin et al.: complaint on improvement lien.

perior Court, Room 1. Amelia Frederick vs. George M. Fred erick. Superior Court, Rcom 3. Susan Tucker vs. Oliver Tucker; divorce Superior Court, Room 1.

HIGHER COURTS' RECORD. SUPREME COURT. -Minutes .--

W. Mordhurst vs. Fort 19950. Henry Wayne & Southwestern Traction Company. Allen C. C. Appellant's brief (8). Appel' lant's petition for oral argument. 19933. The Wabash R. R. Co. vs. The Fort Wayne & Southwestern Traction Company. Appellant's brief (8). Appellee's brief (8). APPELLATE COURT.

-Minutes.-4563. James H. McGregor vs. State of Indiana ex rel. John F. Ballard. Gibson C. C. Appellee's brief C. C. 4492. City of Michigan City vs. Agnes M. Phillips, minor. St. Joseph C. C. Appel-lee's brief (8).

(8). Appellant's petition for oral argument. Ellery C. Webster vs. Sylvanus Major. Putnam C. C. Appellee's motion and notice to dismiss.

UNITED STATES SUPREME COURT.

Decisions in a Number of Cases-Colorado Quarantine Law Upheld.

WASHINGTON, Dec. 1.-The United States Supreme Court to-day sustained the constitutionality of the stock quarantine law of Colorado. The decision was anupon the case of S. H. Reed vs. The People of Colorado. The law prohibits the importation of cattle or other live stock into the State from points south of the thirtysixth parallel of latitude between April and November, unless they bear bills of health. The law was attacked as unconstitutional. and also as antagonistic to the interstatecommerce law and the animal industry law, but the court held the law to be accord with the right of the State to prowrit of errer in the habeas corpus proceeding instituted by Reed also was overruled. In an opinion delivered by Justice Brown,

the court affirmed the opinion of the California Circuit Court in the case of Simeon Grin, a subject of Russia, now in San Francisco, who is charged with the embezzlement of 25,000 roubles in his own country, and who seeks to evade extradition. The effect of the decision is unfavorable to Grin, and the warrant of extradition issued by the United States commissioner will take its course.

Justice White, of the United States Sureme Court, to-day delivered the opinion of that court in the case of the Northern Central Railway Company vs. the State of of that road from taxation under old charters. The opinion of the Maryland Court of Appeals, which was favorable to the State, was affirmed.

A. Mosely, secretary of the Interstate-commerce Commission, involving the right of the commission to withhold from the audit- | Hillard Weer. ing officers of the government copies of telegrams sent by it, was to-day decided in Mr. Mosely's favor. The opinion was handed down by Justice McKenna, and he held that in showing that the elegrams in question were of a confidential character the requirements of the Treasury Department had been substantially complied with.

The Supreme Court delivered the first opinion ever rendered by it in a case coming up from a Hawalian court. The case was that of the Equitable Life Assurance Society of the United States against Cecli Brown, administrator of the estate of Thomas B. Smith. Mr. Smith was domiciled in Hawaii, and while there took out a | directors are Robert L. McOuat, W. W. life insurance policy. He afterwards died | Campbell and J. Howard Campbell. The in San Francisco. Administrators were ap- | capital stock is \$25,000. pointed in both Hawaii and in New York. the latter appointment being made at the instance of relatives in this country. The insurance company refused to pay the pol- on the part of stockholders, incorporated icy to the Hawaiian administrator, on the The directors are S. C. Manuel, W. C. ground that by its terms the policy is payable at its New York office. The territorial court's decision was opposed to this con- Charles Martin and others. The capital tention, and to-day's opinion did not disturb the case as thus left, the court dismissing the writ on the ground that no federal question was involved.

The court, in an opinion by Justice White. sustained the power of the secretary of Ora J. Young and R. C. White. The office the interior, under direction of Congress, to of the company is in Muncie. lease mineral lands held by Indians.

RECENT LEGAL OPINIONS.

-Criminals-Employment of Counsel.-In closing his argument in the trial of a criminal case, the prosecuting attorney stated in reference to the prisoner's counsel: "He is one of the shrewdest lawyers in criminal cases you ever saw, and is employed to defend every one who has a bad case, provided they pay. He never works without pay." Held that, although such retary Frank P. Johnson, of Howlands, remarks are improper, standing alone, without further error in the case, they are not ground for reversal of a judgment of conviction. A prisoner has a perfect right to employ such counsel as he sees fit, and that they are able lawyers is not to prejudice his case. [70 Southwestern Rep. (Kentucky,

Judge White), 44.] -Fire Insurance-Adjustment of Loss .-After a loss by fire an insurance company sent its adjuster to investigate the During the time within which the owner of the property destroyed was entitled to furnish proofs of loss required by the policy, negotiations were conducted which authorized the owner to believe proofs of loss would not be required. In an action based upon the company's refusal to pay the loss it was held that such conduct upon the part of the adjuster operated as a waiver of the provision of the policy requiring proofs to be furnished within a specified time. [64 Northeastern

-Partnerships-Indorsement of Notes .-Where a partner constantly used the thought I was going into consumption. firm name for the accommodation of others | Jayne's Expectorant cured me in less by indorsing notes in the name of the firm ' than ten days."

for purposes entirely foreign to the partpublic or to parties who were given credit to the firm name, was estopped from ques-tioning the validity of a note bearing such indorsement, though made after the disso-

lution of the firm. [64 Northeastern Rep. (New York, Judge O'Brien), 946.] -Street Improvements-Removal of Trees .-A tree twenty-four inches in diameter standing two feet within the sidewalk and forming an obstruction by reason of its location to travel thereon is subject to removal by a city in the course of proposed improvements within the proper street lim-The sidewalk for the use of pedestrians is a part of the public street. The proper authorities of incorporated towns and cities have complete control of the

streets and their sidewalks for all lawful purposes. [64 Northeastern Rep., 942.] -Illegitimate Child-Presence at Trial.-In a prosecution for adultery it is not a ground for a new trial that the prosecutrix's father was present in court carrying the baby claimed to be the offspring of the adulterous relations, and that he held Daisy B. Wilkins vs. J. Miller, adminis- it in view of the jury, where its likeness to the defendant might be noted, no objection having been made by the defendant at the time to such conduct. [70 Southwestern Rep. (Texas, Judge Brooks), 22.]

-Kicking Horses-Liability of Owner .-The Supreme Court of Massachusetts has decided that a horse that has given but one kick, and that in its stable, under circumstances from which to say the kick lished a reputation for viciousness, so as to make the owner of the horse liable to one who has received the full force and effect of a second kick.

ELKS' MEMORIAL SERVICE.

Sunday Afternoon.

It Will Be Held at English's on Next

The annual memorial services of Indianapolis Lodge, B. P. O. Elks, will be held next Sunday afternoon at 2 o'clock, at English's Opera House. It is the custom of the Elks lodges throughout the country thought. Tressa Martin Says She was Humili- et al. Cause settled. Parties respectively to observe the first Monday in December as the day of commemorating their dead members. Judge M. A. Chipman, of An-Charles Mitchell vs. Louisa Mitchell; di- derson, will be the principal orator of the asserted by friends of Ruckelshaus, was services. The programme is:

Processional hymn, "Onward Christian Soldiers" Christ Church Vested Choir. Opening ceremonies of memorial service-By Indianapolis Lodge, No. 13. Anthem by choir, "Praise the Lord"

...... Randegger Bro. H. H. Lee, jr., chaplain. Tenor solo and chorus, "Seek Ye the Lord"Roberts
Mr. J. Raymond Lynn. Introductory address-

Bro. Joseph E. Beil, chairman memorial Committee "Romanza" Miss Margaret Lockwood. Soprano solo, "O Divine Redeemer". Gouno Mrs. Harry Francis Kimber, Galesburg,

Bro. M. A. Chipman, Anderson Lodge, Soprano solo and chorus, "Et Inflammatus" ∴...Rossini Miss Lulu Fisher.

Christ Church Vested Choir (55 voices.) Quartet-Miss Lulu Fisher, Miss Eva Jeffries, Mr. J. Raymond Lynn, Mr. Edlosing ceremonies-By the lodge. Mr. Joseph Joiner, accompanist and choir-

PAINTINGS OF J. OTTIS ADAMS

Exhibition at the H. Lieber Company

Comprises Twenty Canvases. J. Ottis Adams has a notable exhibit oil paintings at the H. Lieber Company art store this week. The exhibition comprises 4535. David Chaney vs. The Ohio & Indiana Oil Co. Wells C. C. Appellant's brief twenty canvases, many of them portraying scenes near Brookville, Ind., where Mr. Adams's studio, "The Hermitage," is lo-

"The Whitewater Valley," the largest canvas of the collection, is admired by all visitors to Lieber's. It gives a view across he northern end of Brookville on a hazy November morning. The old mills in the foreground and the distant hills across the valley, with a stretch of river in the middle distance, are effective and charming. In this picture, as in a number of others, Mr. Adams has made use of two mills which are decaying and nearly ready to nounced by Justice Harlan, and was based fall, but which, so long as they endure. will be a delight and an inspiration to

Other beautiful canvases in the exhibition are "A Cloudy Day," in which the artist has faithfully given the spirit of the earth, stream and sky; "Twilight," a charming view of Whitewater itself; "A a scene in late October, with a wooded hill gleaming in red and gold under the afternoon sun; "Morning After Rain," with a bright sky turning the dripping trees into shimmering jewels; "On the Edge of the Stream," in which Whitewater is again pictured; "Our Vil-"Spring," "Late Afternoon," tect its own citizens. An application for a Leaf Clover," "A Wet Day," "Riffles of the Whitewater," the last a delightful portrayal of the peaceful Whitewater on bright day, and other landscapes. The exhibition shown by Mr. Adams praised by artists as well as by art lov-

INVESTMENTS OF CAPITAL.

ers that visit the store.

East Chicago Company Increases

its capital stock from \$100,000 to \$2,500,000. Maryland, involving the right of exemption | Albert D. W. Erskine is president of the

The Little Hoosier Lead and Zinc Mining | the national Democratic organization in Company, of Indianapolis, has incorporated. The case of the United States against E. The capital stock is \$40,000, and the directors are George Young, F. M. Clark and E.

The Dunkirk News Company filed articles of incorporation yesterday. A daily and weekly newspaper will be published by the company. The capital stock is \$2,000, and the directors are W. J. Lineback, W. G. Teague, Charles W. Smalley, J. C. Sullivan, . C. Fudge, George T. Whittaker, J. T. Sutton, John Hersh and J. D. Stule.

The People's Coal Company, of Lawrenceburg, incorporated. The capital stock is \$10,000 and the directors are William Kunz, William Ritzman and Julius Schneider. The Hoosier Mica Company, of Indianapolis, filed articles of incorporation. The

The Civic Savings Association, of New Albany, a company organized by colored men to promote regular saving of money Vance, J. H. Michem, E. E. Gregory, William Wright, Henry Gantes, J. L. Warr, stock is \$100,000. The Muncie and Jackson Coal Company, with a capital stock of \$30,000, filed articles of incorporation. The directors are Laban T. Loar, Charles L. Bender, Lincoln Lesh.

FANCIERS' ASSOCIATION.

The Annual Exhibition at Germania

Hall Feb. 9 to 14. The annual exhibition of the Fanciers' Association will be held at Germania Hall Feb. 9 to 14. The prizes announced by Sec-

prize money will be, \$5 for first on cocks, hens, cockerels and pullets; \$3 for second; \$1.50 for third; \$1 for fourth; ribbon for On eight entries, \$3 for first; \$2.50 for second; \$1 for third; 50 cents for fourth; ribbon for fifth.

On twelve or more entries in any class the

On four entries, \$2 for first; \$1 for second; 50 cents for third; ribbon for fourth. On two entries, \$1 for first; 50 cents for On breeding pens of six entries, \$6, first \$3, second: \$1.50, third. On four entries, \$3, first; \$2, second; \$1.50, third: ribbon, fourth. On two entries, \$2, first; \$1, second, and many hundred dollars in cash specials. The entry fee will be \$1 each specimen.

Mrs. W. A. Grove, Sterling Centre. Maine, writes: "I was taken with a harsh, dry cough, and grew steadily worse. My neighbors

POLICE COURT PROSECUTOR GIVES UP HIS OFFICE.

Ira M. Holmes Talked of as His Probable Successor-Reasons Given for the Resignation.

James A. Collins, deputy prosecutor in the Police Court, tendered his resignation yesterday to Prosecutor Ruckelshaus to take effect Dec. 15. The resignation of Collins is not a surprise, as it was rumored several days ago that his relations with Prosecutor Ruckelshaus were somewhat strained. The resignation was asked in a letter from Ruckelshaus which was found by Collins yesterday when he returned from Boston, where he had gone to eat his Thanksgiving dinner with his mother.

The successor to the deputyship in the Police Court is to be Ira M. Holmes. Holmes is well known among the lawyers was vicious, cannot be held to have estab- of the city and has been identified with Marion county politics in recent years. He was at one time employed in the business

office of the Journal. Last Tuesday the report was circulated that Collins would be forced to resign by Mr. Ruckelshaus, but this was denied by the latter. He declared then that he had not asked Collins to resign, did not intend to as far as he knew and knew of no reason why he should ask for the resignation. He stated that he and Collins were the best friends, and that no changes expected his office would occur before January, the beginning of his new term. He said he did not know whether he would retain Collins or not and had given the matter no

The report was current at that time that Collins and Ruckelshaus had been unfriendly toward each other since the Republican county primaries. Collins, it was lukewarm in his support of his chief and did not materially aid him to the nomination. Another part of the trouble is said to arise from the fact that Collins and Charles Benedict, now Prosecutor Ruckelshaus's assistant in the Criminal Court, are both avowed candidates to succeed Ruckelshaus. Collins by his work in the Police Court and his conduct of cases there has become widely known. It has been suggested that his continuance in the office would serve to increase his following and might aid him in the future fight against Benedict. Ruckelshaus has kept out of the canvass it is said by his friends, but others insist that he is supporting Benedict. When Prosecutor Ruckelshaus was asked last night if he had anything to say of Collins's resignation or if he sent the letter demanding it he refused to discuss the mat-

HALF-HEARTED DENIAL.

Bryan Replies in the Commoner to a

Story Recently Published. CHAPTER XXIII. Mr. Bryan has replied this week in his GETTYSBURG. paper, the Commoner, to the story origi-The spring had come and gone, the flownally published in the Journal, charging ers were in blossom and bloom, but the that he had sent out letters to Democrats voice of the turtle had not yet been heard in Indiana during the recent campaign in the land. The sword of Lee led again urging them to defeat the Democratic to the border. The spirit of Jackson had ticket. The Nebraskan denies that he fled to the skies. Grimmer than ever, old sent out letters to that purpose, but he Ewell now ruled at the head of the famous makes the denial in a half-hearted way and follows it up by a virtual admission "Foot Cavalry" corps, foremost in the dash that the Indiana silverites must have for the Susquehanna. All Washington, as knifed the Democratic ticket. In concluso frequently happened, was in turmoil, sion he gloats over the result in this State by saying that it showed that the attemptall Richmond in transports of joy. Under ed harmony among Indiana Democrats the same tried and trusted leaders, save was a one-sided affair and that it proved that Jackson was gone, the arms of the "the folly of attempting to strengthen the Democratic party by compromise with South swept on to invasion. Under the the Republicans or by evasion of issues.' new, sore-tried and little-trusted leaders Mr. Bryan says in detail: the arms of the North were reversed in Louis Globe-Democrat of Nov. 19 contains a special dispatch from Indianapolis which pursuit. Hooker had quit, as he said, in states that Mr. Bryan sent out ten or disgust, declaring no man could plan and fifteen thousand personal letters to Demofight with a string to his shirt-tail and crats in Indiana just before the late election (urging them to do all in their power Stanton and Halleck a-pull at the string. to insure the defeat of the Democratic Reynolds, calm and sagacious, soldier and ticket, State, county and township.) It is fighter, had been tendered command, and not true that Mr. Bryan sent letters to Democrats in Indiana urging them to depolitely declined. Meade, his subordinate, feat the ticket. The Commoner criticised stepped over his head, since Reynolds the action of the Democratic State convenwould none of it, and with prayer and mistion in ignoring the Kansas City platform and pointed out that it was bad politics, giving picked up the reins dropped by not to speak of the principle involved, to Hooker in sight of the Maryland shore. alienate faithful Democrats for the purpose of conciliating the men who are opposed And the same hard fighting, hard marchto the party's national platform. Just being, hard swearing, hard used old army fore the election the Commoner took occahove in sight of the stream that had given sion to criticise Democrats in New York who attempted to use Mr. Bryan's name it its name, and one corps, at least, had for the defeat of the State ticket, and lost nothing by the change. The First stated that he did not presume to advise Corps, the fellows now wearing the ball on the Democrats what to do in case the State organization repudiated the national their caps, were well content with their platform. He considered it a question leaders. With Reynolds to command them. which each voter should decide for himand the men they best knew at the head self after duly considering the relative imof divisions and brigades, they asked no portance of State and national issues. The result in Indiana shows that the attempted favor beyond a fair fight, and none were harmony was a one-sided affair, and proves more eager, hopeful, urgent than they of anew the folly of attempting to strengthen the Democratic party by compromise with the First Brigade of the First Divisionthe Republicans or by evasion of issues.' they who wore the red disk-and of these It is to be noted that Mr. Bryan does were our impudent friends of the Black not deny sending out the letter which was quoted in the Journal. He merely Hats, still topped by the feathered felt denies that it was a letter urging the silver and breeched with the dark blue, and Democrats to defeat the Democratic ticket. ready as ever to pick a fight with the foe That is a question of interpretation. The quotation from the letter did not say in or flaws in the armor of less favored batso many words that Mr. Bryan wanted his followers to vote the Republican ticket, but it put the case to them in such a way A shout had gone up one day on the that they could construe it only as mean-Rappahannock when the word went the ing that he desired them to take even that rounds that Fred Benton was back. Sudradical step as a measure of rebuking the "reorganizers" so emphatically that they

the next presidential campaign. In another place in this week's Commoner Mr. Bryan takes another editorial shot at the "reorganizers," saying: "According to the New York World the Democratic vote in Indiana this year was 46,000 behind the Democratic vote in that State in 1900, and the Republican majority was greater than it has been in any year since 1892, with the exception of 1894, and the reorganizers were in control that year

would not presume to attempt to control

Enchantment. With fall on fall, from wood to wood,

The brook pours mossy music down-Or is it, in the solitude, The murmur of a Faerle town? Some town of Elfland filled with bells. Or holiday of burrying feet; Or traffic now whose small sound swells.

Now sinks from busy street to street? And oft its folk I recognize In winged things that hover round, Who for men's eyes assume disguise When on some fairy errand bound,

The bee, that haunts the touch-me-not, Big-bodied, making braggart din, Is elfin brother to that sot, Jack Falstaff, of the Boar's Head Inn. The dragonfly, whose wings of black Are mantle for his garb of green, Is Ancient to this other Jack. Another Pistol, long and lean.

The butterfly, in royal tints, Is Hal, mad Hal, in cloth of gold, Who passes these as once that prince Passed his companions boon of old. -Madison Cawein, in Lippincott's Magazine.



AFTER THANKSGIVING DAY'S GAME. Football Player-Doctor, they say if you | Benton's associates had been-ah-unforthold your breath when you're tackled in a unately compromising, and, while his con- do not know is, that from west, northwest, football game it won't hurt you. you hold your breath long enough.

Cremera. Presto

I made biscuits and popovers from Presto. We all liked them. It certainly is excellent. It is the best I ever used. There's a delicate taste to them that you can't get by the ordinary way. Washington, D. C. October 24th, 1902. (Signed) Bettie Brown, in employ of Gen. Nelson A. Miles.

What does your cook say?

The H-O (Hornby's) Company

THE IRON BRIGADE

A STORY OF THE ARMY OF THE POTOMAC

deck" again, and they hailed him as one

who had suffered much on their account.

and most magnanimously did they agree

to forget that they had ever maligned him

-not so easy a thing to do as it may ap-

pear at first sight, it being a frailty of the

But Benton had changed, said they, as a

result of the first week of watching. He

had grown silent and stern, if not sour.

He seemed filled with restless, feverish en-

ergy, and no sooner was the main army

back from Hooker's first essay as chief in

command, than he sought and obtained per-

mission to go scouting with a small force of

cavalry among the by-roads and lanes of

the down-stream counties. More than the

limit of the law, the prescribed forty days,

had the orders of the war secretary held

him in limbo, all the time clamoring for a

to enable him to face his accusers and put

an end to that military lettre de cachet

busines then, and sometimes thereafter,

the resort of the powers martial when wit-

nesses weakened. Released and ordered

to resume duty with that military modifi-

cation of the Scotch verdict, "Not guilty,

but-don't do it again," Benton came back

to the front, burning with wrath at the

foe at the rear-a foe personal, official and

professional, whom he felt must be McKin-

non. He was not allowed to know at the

time, nor to see until long after, the ex-

tent of McKinnon's intrigue against him

or of its reaction on McKinnon himself.

Only one officer witnessed the scene,

daughter, had been

after

week

good a calumny.

GENERAL CHARLES

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be ah-be above suspicion, or at least from blame, and Captain Benton's-a-re-

fiercely. "Well, perhaps that was putting it rather-ah-strenuously," said the officer. "What is meant-" Oh. damn it! burst in Benton, most improperly, "what is meant is that you know I've been accused without rhyme and reason-that you dare not let me meet my accusers, and you won't give me fair hearing," and for this inappropriate outburst he declined to apologize. For another week, therefore, it a trial; but it ended in his being ordered to quit Washington forthwith, and to report for duty to his old general at Yorktown, where he fumed and fretted till April,

when sent to Annapolis with prisoners. Then, a battle being imminent, he was permitted to report to the general commanding the Army of the Potomac, and thither he went, and, so far as the battle was concerned, might better have stayed and fought it out in the rear, for his corps was held in leash, had little to do, and that left Benton more savage than

In heart, in pride, in spirit he had been sorely hurt. In heart by Rosalie Chilton's astounding accusation and the impossibility of getting the faintest explanation. After her impetuous outburst she had whirled about and rushed to the waiting carriage demanding of the astonished major that he take her at once to the boat and, even in captivity, it seems, her imperial high ness was wont to be obeyed. From that day to this no word had come from her. even through Elinor, now mournfully writing that poor Mr. Ladue seemed lapsing inte passive imbecility, happily indifferent to any fate that might befall his son, and Elinor was grieving her heart out, though she would not say it, at thought of Paul

still mured in military prison. In pride, professionally, Benton had been stung to the quick, for in spite of the fact that so much of his heart had gone to the South, his duty, his sword, his spirit, mind and will were all sworn to the service of the Union, and most faithfully, even brilliantly at times, had he discharged himself of every detail entrusted to him. It was his old general at Yorktown who strove to set him right, who had urgently written in his behalf to officers at court, and, when there seemed no prospect of stirring service in that neighborhood, had suggested his transfer to the staff of a fighting division at the front. In this way had the order been obtained; and then, on his joining at army headquarters, Benton, at his own request, had been sent to duty with the latest commander of the old division, which was how he again got in touch with the Black Hats, and came to be with the denly had he appeared in their midst just grand old brigade the day they "had the before Chancellorsville, and royal was the time of their lives" in almost desperate battle over their beloved boomers, the guns worn, aged as he looked, he was there, "on of Battery "B." Then and there, most heartily, was the right to full fellowship with their veteran comrades accorded the who had stood their friend and defender. Michigan men. Most gloriously was it won. From this time on Badger and Woi-

verine stood on the same plane,

O what a day was that first of Julywarm, soft, sunshiny, the roads still pud dly in places as from recent rains-no dust to choke the hurrying columns, no thick clay mud to clog the wheels or load average postadamite to feel bound to make | the worn brogans. Through the radiant, smiling, peaceful Penncylvania countryside, so deep a contrast to battle-scarred Virginia, along graded roads, past pretty cottage homesteads and wide slopes of ripened grain and tempting orchards and cattle-dotted fields and fallows; past running brooks and root-bedded streams. whence the canteens were lifted brimming and sparkling with fluid seldom seen in the runs and branches that gully the "Sacred Soil," past cool springhouses and darksome wells where-the one black feature of the stirring march-thrifty, Dutch farmers stood scowling, exacting tribute of a dime a dipper from the thirsting men, and so fattening on the need of their defenders. Halting now only for catnaps by the roadside, with their brave, brilliant Reynolds ever spurring on in the lead, they hearing, a trial by court-martial-anything of the First Corps swept northward in the wake of the cavalry, listening eagerly for the distant booming that should tell that Buford had fanged the quarry and was holding on till they, the hunters, should come to give the coup de grace.

Even before the earliest sunbeams came glinting through the eastward wood Reynolds had called on his men; and, rousing from their bivouacs along the Emmittsburg pike, they rolled their blankets, swallowed their steaming soldier coffee, formed ranks along the roadside, and presently went tramping away northward between moist, smiling fields and orchards, heading for the distant towers and steeples of the quaint, placid little Pennsylvania town, nestling between the wooded hills that seemed to hem it in. Somewhere up that charming valley their leaders knew John Buford to be, for he and his sun-tanned troopers had been thrown ahead to cover the advance and find the army of Lee, well known by this time to be concentrating to meet them.

Years and experience have taught the returned to the Southern lines, when Stanleaders of the Army of the Potomac someton demanded of the major that he prove thing of the true use of cavalry, and there his case or thereafter hold his peace. He is no more of the blind groping of the old days. They know that Longstreet's whole had "fooled away a whole month," said corps is camping about Chambersburg, the secretary, "filled it with vague charges across the South mountain range to the and failed on the specifications." They sent west. They know that Hill is between him and Cashtown, the first village of imporhim away, ostensibly to straighten out a tance to the west of Gettysburg. . They legal tangle in Kentucky, not yet blessed know that Ewell's foremost divisions have with the benefits of martial law; then, struck the line of the Susquehanna, only to be recalled to meet the spirited northwhen McKinnon was beyond reach, sent ward sweep of Meade's far-spreading corps. for Benton. Of course he did not see the They know that these men of Reynold secretary. A placid, baa-lamb, soft-spoken lead the van of the main army, and will doubtless be the first to reach and back staff officer had been told what to say. the cavalry when those searching horsemen find and tackle the roe. What they north and northeast these converging col duct on duty had not been called into Dr. Collier Downs-It probably won't if question, at a time of such public peril Pennsylvania town, marching to concenthe department held that its officers should trate on Gettysburg, and that this, the

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First Corps of the Army of the Potomac, is destined within three hours to be thrust fusal to surrender papers confessedly give square in between those swift-closing jaws, much to the gravity of the case against and compell, as Buford says to his own "What case?" demanded Benton, men, to "fight like the devil" until the rest of the army can reach it in support. The Eleventh Corps is not far behind them; the Twelfth is away, over a dozen miles to the eastward, along the Baltimore pike; the Fifth and Sixth still farther to the southeast, a long day's march at least; the Third is down by Taneytown, ten miles behind. It is to be a First Corps fight, then, unless the Eleventh can help, if they haplooked as though, after all, he might get | pen to run foul of Johnny Reb this July morning, and that Johnny is near they learn from Buford's couriers, gallopi back with news for Meade. A whole swarm of shoe-hunting Confederates had come through Cashtown the day before, bound for a raid on the Gettysburg shops, but fell back at sight of an apparition in the valley to the south-strong squadrons of Union horse trotting up the Emmittsb pike, bent on being first at the fair. Pettigrew, Confederate commander, knows his slim ranks are no match in point of numbers for Buford's sturdy dragoons, backed by their batteries of horse artillery, the pride of the cavalry corps, and wisely he waits for morning and the support of Heth's whole division. Then they'll give the troopers a whirl that will remind them

of a year back in Virginia.

In far better fettle and discipline is Lee's brave army than when it tried the conver-sion of Maryland ten months before. Only in two points is it less to be feared-Stonewall Jackson is dead and Stuart's cavalry s as good, or bad, as lost. For once in his life that brilliant and daring leader of horse is of no use to his commander, Through some error of judgment he has gone far to the east and has been cut off from communication. When he reaches the Susquehanna he finds Ewell has fled, so pushes on to Carlisle in the Cumberland valley, and thus for two long days, the first two days of the great and decisive battle of the war, he and his hard-riding troopers are lost to Lee. For once the Army of the Potomac has its eyes and its wits at the front when the eyes, at least, of the Army of Virginia are away to the rear. At breakfast time in Gettysburg, this morn of the 1st of July, Heth's division of A. P. Hill's corps of the Army of the South comes "bulging" ahead, without the accusto screen of cavalry skirmishers, and is brought up standing by the challenge Calef's light guns, planted squarely in the middle of the Cashtown pike, and the simultaneous uprising of squadron north and south of the road-Devin's and Gamble's gallant brigades of famous John Buford's division-and there, like a bull dog, Buford holds them two mortal hours, until Reynolds, with his foremost men, comes spurring up the eastward face of the ridge, joins Buford at the old Lutheran Sen main lines of Heth's division, north and south of the pike, are just forming for advance to the attack in force-all that pre-

the greatest and most momentous battle of American history. First to reach the field in support of Buford's hard-fighting horse is the First Di-vision of the First Corps of the old Army of the Potomac, and the first brigade to come swarming up the slope is led by old graybeard Cutler, whom we saw at the he the Sixth Wisconsin in its maiden battle on the Warrenton pike, while, following obedient to Reynolds's orders, breasting the height to the south of the seminary strike the five battalions of the Iron Bris ade, the biggest not quite five hundred, the others barely three hundred strong. Whitehaired Wadsworth rides at the head of the little division. That's all there is of itthese two brigades, led by those two far Western brigadiers, barring the batteries that ever go with them-but the blue-blood. ed old Gothamite in command swears he wouldn't swap it, small as it is, for the

strongest division in the whole army-and

te means it.

ceded having been the work of strong skir-

mish lines-and now begins in grim earnest

It is a sight never to be forgotten, that which greets their eyes as the Black Hats come popping over the ridge. The semgrounds and the farm inclosures along the line of heights are quite thickly wooded, but, to the west of them, the fields are cleared and cultivated. Another ridge, not quite so distinct, rises in front of them, perhaps five hundred yards away, and the two ridges seem to converge at a wooded cone to the north-Oak Hill they call itwhile beyond that low rise to the west the ground falls away rapidly into the valley of a swift little stream, Willoughby run, bordered on the east, squarely in front o the Iron Brigade, by a grove of sturdy young trees, the only screen between their swift advance and the long line of forest half a mile away to the west, stretching north, almost to the Cashtown pike, and south of the Hagerstown road, and that westward forest is all alive with flashing bayonets aligned on the little red battle flags, the division of lieth in battle array. reaching almost from pike to pike, with one brigade thrown out "in the air" the north, and pushing daringly forward to sweep the stubborn troopers, fighting dismounted, out of the way. It is barely quarter-past 10, as Reynolds for the las time looks at his watch; bids Doubleday who has galloped forward for orders, to 'back" Wadsworth at the seminary and extend his line to the right; then, calling or Meredith, points to that forward grove at the brookside, "Seize it," he says, "before the rebels can reach it!" Then, with the Sixth in reserve, with a full-lunged shou in its throat and fire in its eye, the o brigade breaks into a run, Fairchile the Black Hats in the van-a five-h yard race for the goal-field, staff i manders cheering them on, and noble Reynolds-spurring swift in the

lead, riding down to his soldier fate. [To Be Continued To-morrow.]

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